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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,542	07/17/2003	Werner Lautenschlager	27392/27614	2472
4743	7590	12/13/2006	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606			MAYEKAR, KISHOR	
		ART UNIT	PAPER NUMBER	1753

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/621,542	LAUTENSCHLAGER, WERNER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kishor Mayekar	1753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 September 2006.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9, 11-15, 18-34 and 36-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9, 11-15, 18-34 and 36-45 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102 and § 103*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-6, 11, 15, 21, 25-28, 36, 37, 44 and 45 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Warmbier et al. (US 5,408,074). Warmbier's invention, a reference cited in the last Office, is directed to an apparatus for the selective control of heating and irradiation of materials in a conveying path. Warmbier discloses that the apparatus comprises a conveying path defined by a pipe 1 (a container), a screw conveyor 2 rotatably mounted in the pipe 1, wherein the material is supplied to the container 1 by means of the spiral device 2, microwave generators 3, and a resonator 5 (microwave chamber) surrounding a length of the pipe 1 (Figs. 1 and 2; col. 3, lines 6-18 and col. 4, lines 27-34 and lines 41-46). Warmbier's Fig.1 shows the container 1 being extended at least partly in the microwave chamber and protruded therefrom; and in Fig. 2 and col. 4, 27-34 that the materials are supplied through a funnel opening 13 (a lateral connecting opening) of an extruder 11 and transported in the transporting direction 8 by its screw conveyor through the microwave chamber. As such Warmbier disclose an apparatus comprises all the structures as claimed

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with a screw conveyor from extruded chamber through the microwave chamber, and hence the screw conveyor protrudes from the microwave chamber or the container. If there is a difference, it will be the employing of a single screw conveyor from the extruded chamber through the microwave chamber. However, since Warmbier discloses that the material is extruded and transports by its screw conveyor from the extruded chamber through the microwave chamber, the provision of a single and continuous screw conveyor would be within the level of ordinary skill in the art.

As to the subject matter of claim 2, Warmbier's device inherently possesses the recited mixing device because of the use of the spiral device starting in the container for transporting materials therefrom.

As to the subject matter of claim 3, Warmbier's screw conveyor is the same as the worm conveyor. Further, if there is a difference between Warmbier's screw conveyor and the recited worm conveyor, the subject matter as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Warmbier's teachings because the selection of any of known equivalent conveyors for transporting the material would have been within the level of ordinary skill in the art.

3. Claims 18, 19, 29 and 30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Warmbier '074, for reasons as of record.

4. Claims 8, 9, 20 and 32-34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Warmbier "074 in view of MacKenzie (US 4,608,261), for reasons as of record.

5. Claims 7 and 31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Warmbier "074 in view of Miyazaki et al. (US 4,565,670), for reasons as of record.

6. Claims 14 and 43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Warmbier '074 as applied to claims 1-6, 10, 11, 15, 21, 25-28, 35-37 and 44 above, and further in view of GB 2,110,803 A, for reasons as of record.

7. Claims 12, 13, 22-24 and 38-42 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Warmbier "074 in view of GB '803, for reasons as of record.

#### *Response to Arguments*

8. Applicant's arguments filed 25 September 25, 2006 have been fully considered but they are not persuasive.

In response to Applicant's argument that Warmbier does not disclose that the screw conveyor protrudes from the chamber, see the paragraph #2 as set forth above.

To the argument against MacKenzie, one cannot show nonobviousness by attacking

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references individually where the rejections are based on combinations of references.

See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). And to the argument the Office action does not allege that there would be any motivation to combine the teachings of Warmbier with that of MacKenzie, see the paragraph #11 in the Office action 22 June 2006.

To the argument to the rejection of claims over Warmbier in view of Miyazaki, the rejection stands because Warmbier discloses the limitation as now added in claim 1.

To the argument that the examiner is confusing the actual claim language of a "pressure-limiting valve" to be a "pressure-limiting device", the rejection is maintained because the valve is a device for regulating the flow of a fluid such as to open, close, or partially obstruct one or more flow passageways.

### *Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kishor Mayekar whose telephone number is (571) 272-1339. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

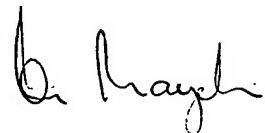
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

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Representative or access to the automated information system, call 800-786-9199 (IN  
USA OR CANADA) or 571-272-1000.



Kishor Mayekar  
Primary Examiner  
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